

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

JERRY LAWRENCE MCGLONE, II,	:	Case No. 1:22-cv-573
	:	
Plaintiff,	:	
	:	District Judge Matthew W. McFarland
vs.	:	Magistrate Judge Kimberly A. Jolson
	:	
D.R.C., WARREN	:	
CORRECTIONAL INSTITUTION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

REPORT AND RECOMMENDATION

Plaintiff, an inmate at the Warren Correctional Institution, filed this prisoner civil rights action under 42 U.S.C. § 1983. On January 19, 2023, the Court denied plaintiff's motion to proceed *in forma pauperis* in this matter pursuant to the "three strikes" provision of 28 U.S.C. § 1915(g) and ordered plaintiff to pay the \$402.00 filing and administrative fees within thirty (30) days. (Doc. 4). Plaintiff was notified that the failure to pay the full filing fee within thirty days would result in the dismissal of this action. *See In re Alea*, 286 F.3d 378, 382 (6th Cir. 2002).

To date, more than thirty (30) days after the Court's January 19, 2023, Order, plaintiff has failed to pay the \$402.00 filing and administrative fees in this matter, as ordered by the Court. Accordingly, this case should be dismissed for plaintiff's failure to pay the filing and administrative fees. *In re Alea*, 286 F.3d at 382. Plaintiff remains liable for and should be assessed the full filing fees of \$402.00. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). *See also In re Alea*, 286 F.3d at 382.

IT IS THEREFORE RECOMMENDED THAT:

1. This case be dismissed for plaintiff's failure to pay the full filing fees as ordered by the Court.

2. Plaintiff be assessed the full filing fees of \$402.00.
3. The Clerk of Court be **DIRECTED** to mail a copy of any Order adopting this Report and Recommendation, along with the attached instructions, to the Cashier of the Warren Correctional Facility, in Lebanon, Ohio, and that the Cashier be directed as follows:

The prison's Cashier shall deduct, and forward to the Clerk of Court, 20% of the preceding month's income credited to plaintiff's account each time the amount in the account exceeds \$10.00 until the full fee has been paid.¹

4. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of this Court's Order would not be taken in good faith. *See McGore*, 114 F.3d 601.

IT IS SO RECOMMENDED.

Date: March 30, 2023

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE

¹The prison cashier's office shall not send payments aggregating more than the amount of the full fee.